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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,985	10/19/2006	Hiroshi Yamamoto	SCEP22522	7232

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EXAMINER	
CONNOLLY, MARK A	

ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,985	YAMAMOTO, HIROSHI	
	Examiner	Art Unit	
	MARK CONNOLLY	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 have been presented for examination.

2. The well-known in the art statement of claim 7 in the previous office action is taken to be admitted prior art because applicant has failed to traverse the examiner's assertion of official notice for that claim.

3. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 9, 12 and 13 are- rejected under 35 U.S.C. 102(e) as being anticipated by Holmer PGPUB 20050066205.

6. Referring to claim 1, Holmer teaches the electronic apparatus driven by a battery, comprising:

a. a control unit which performs predetermined processing to execute a program [¶0071].

b. a monitoring unit which detects a remaining level of the battery [¶0071].

c. an adjustment unit which adjusts processing load by changing a graphic processing performed in the control unit, in accordance with the remaining level of the battery detected by the monitoring unit and a degree of progress of the program [abstract and ¶0071].

7. Referring to claims 9, 12 and 13, these are rejected on the same basis as set forth hereinabove. Holmer teaches the system and therefore teaches the program and method performed by the system

Claim Rejections - 35 USC § 103

8. Claims 1-4 and 8-13 are rejected under 35 U.S.C. 103(a) as being anticipated by King[1] in view of Holmer.

9. Referring to claim 1, King teaches the electronic apparatus driven by a battery, comprising:

d. a control unit which performs predetermined processing to execute a program [¶'s 0038-0039].

e. a monitoring unit which detects a remaining level of the battery [¶'s 0036 and 0038].

f. an adjustment unit which adjusts processing load by changing a graphic processing performed in the control unit, in accordance with the remaining level of the battery detected by the monitoring unit [¶'s 0036 and 0038-0039].

Although King teaches monitoring and adjusting a graphic processing in accordance with a remaining battery level, it is not explicitly taught to also consider a degree of progress of the program being executed. Holmer explicitly teaches considering an applications time to completion or remaining operating time (i.e. degree of progress) for determining how to adjust a graphic processing load [abstract and ¶0071]. It would have been obvious to include the

[1] As cited in the previous office action.

teachings of Holmer into the King system because it would "ensure that the power available in the battery is sufficient to complete the application" as explicitly taught by Holmer [¶0071].

10. Referring to claim 2, King teaches the adjustment unit reducing the processing load when the remaining level of the battery detected falls below a predetermined threshold [¶ 0039].

11. Referring to claim 3, King teaches the adjustment unit reducing the load of the drawing processing [¶ 0039].

12. Referring to claim 4, King teaches the adjustment unit lowering the processing load by reducing detail [0043]. Although King teaches the resolution in terms of pixel resolution, this inherently also adjusts spatial detail since spatial detail dependent on pixel resolution. In particular, an image can not have a spatial resolution of 64 lines per inch if the pixel resolution is reduced to 4 pixels per inch.

13. Referring to claim 7, although King teaches reducing a processing load in a system, it is not explicitly taught to inform a user when the adjustment unit reduces the processing load. The examiner is taking official notice that it is well known in the art to notify a user when a system changes to another power mode because it provides a means to enable a user to know the operating status of the system. It would have been obvious to include the same teaching into the King system because it would provide the same benefit of enabling a user to know the operating status of the King system.

14. Referring to claim 8, King teaches the adjustment unit adjusting to accelerate progress of a game when the control unit executes a computer game [¶'s 0044 and 0048].

15. Referring to claim 9, this is rejected on the same basis as set forth hereinabove.

16. Referring to claim 10, King teaches adjusting the processing load of the electronic apparatus by changing the graphic processing in accordance with an executing status of the computer system [¶'s 0029-0030].

17. Referring to claims 11-13, these are rejected on the same basis as set forth hereinabove.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over King and Holmer as applied to claims 1-4 and 8-13 above, and further in view of Alben[2].

19. Referring to claim 5, although King teaches lowering a processing load, it is not explicitly taught to reduce the temporal detail drawn in the drawing processing. Alben teaches that a frame rate (i.e. temporal detail) can be reduced in order to reduce power consumption [col. 9 lines 12-24]. It would have been obvious to one of ordinary skill in the art to include the teachings of Alben into the King system because King is directed for controlling image quality in order to control power consumption in a system and Alben provides further means to adjust the image quality thus providing further means to control power consumption in the system.

20. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over King and Holmer as applied to claims 1-4 and 8-13 above, and further in view of Martinez[3].

21. Referring to claim 6, although King teaches adjusting graphics processing to reduce power it is not explicitly taught to also adjust audio processing. Martinez teaches adjusting audio processing to reduce power consumption [col. 4 lines 44-56]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of Martinez into

[2] As cited in the previous office action.

the King system because it would provide a means to further reduce power consumption in the King system.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK CONNOLLY whose telephone number is (571)272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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[3] As cited in the previous office action.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Connolly/
Primary Examiner, Art Unit 2115
7/9/08

Mark Connolly
Primary Examiner
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